NOTES OF CASES.

New Trial—Prejudice of Juror When Stockholder of Corporation Plaintiff.—In Memphis St. R'y *v.* Illinois Cent. RR., in the U. S. Circuit Court of Appeals, Sixth Circuit (May, 1917, 242 Fed. 617), it appeared that in an action by a railway company the jurors on their examination were asked collectively whether they were directly or indirectly interested with plaintiff or had any contracts with it that would cause them to incline favorably toward it, and all remained silent, indicating that they answered in the negative. One juror in fact owned one share of stock in the railway company, but such ownership had passed from his mind. He was the foreman of the jury and the last to vote, and made on attempt to influence his fellow jurors, and did not make his views known before voting. At the same term he had sat in several cases against the railway company and had voted for verdicts against it. If the verdict had been appropriated among the stockholders his share would have been slightly more than one-third of a cent. It was held that prejudice was not shown and his ownership of stock was not cause for granting a new trial, especially as a juror whose examination is so conducted as not to bring his attention to a disqualifying circumstances or cause him to refresh his memory touching it is not required to know or surmise that something more is intended than what is clearly expressed by the question actually asked.

Bankruptcy—Preference to Creditor—Set-Off of Indebtedness by Deposits.—In Fourth National Bank of Wichita, Kansas *v.* Smith, in the United States Circuit Court of Appeals, Eighth Circuit (December, 1916, 240 Fed. 19), it was held that where a bank, to which a depositor was indebted, after knowledge of the depositor's insolvency, but before a petition in bankruptcy was filed, set off against the indebtedness the amount of deposits made by the depositor in the usual course of business, the transaction was valid as a "setoff," under Bankruptcy Act, July 1, 1898 (c. 541, sec. 68a, 30 Stat. 565, Comp. St. 1913, sec. 9652), and was not a "preference" under Bankruptcy Act (sec. 60a, Comp. St., 1913, sec. 9644), since the making of the deposits merely created a relation of debtor and creditor between the bank and the depositor, and the application thereof to the indebtedness involved no transfer of property.

The Circuit Court of Appeals cites and especially relies upon the decisions of the Supreme Court of the United States in New York County Bank *v.* Massay (192 U. S. 138), Studley *v.* Bank (229 U. S. 523), and Continental Trust Co. *v.* Chicago Title Co. (229 U. S. 435), and, after having summarized them, remarks:

"In our opinion, these three foregoing cases are decisive of the